



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,889	01/29/2002	Ya-Tien Ko	95-475	2397

23164 7590 02/24/2005

LEON R TURKEVICH
2000 M STREET NW
7TH FLOOR
WASHINGTON, DC 200363307

EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,889

Applicant(s)

KO ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
4a) Of the above claim(s) 1-4, 11, 12, 14-17, 24-28, 35, 36, 38-41, 48 and 49 is/are withdrawn from consideration.
5) ☐ Claim(s) 5-10, 13, 18-23, 29-34, 37, 42-47 and 50 is/are allowed.
6) ☒ Claim(s) 51-77 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 2645

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 51-54, 56-58, 60, 62-64, 67-69, 71, 73-75 and 77 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ranalli et al, U.S. Patent No. 6,539,077 (hereinafter Ranalli).

Regarding claim 51, Ranalli discloses a method in a recording device (26) at a calling party premises (col. 8, lines 1-5), the method comprising:

recording a message by a calling party (col. 8, line 31) based on speech signals supplied by a telephony device (2) configured for initiating a voice-grade media connection to a messaging subscriber (3);

Art Unit: 2645

retrieving, via an Internet Protocol (IP) data network (10), messaging subscriber attributes (Figure 2) specifying a destination message store for the messaging subscriber, the retrieving step including sending (col. 8, lines 35-37) onto the IP network an open-protocol query according to LDAP protocol (15) for the messaging subscriber attributes to a server (12) configured for storing messaging subscriber attributes, based on a dialed number input by the calling party (col. 8, line 30); and

sending the recorded message, via the IP data network, to the destination message store based on the messaging subscriber attributes (col. 8, lines 37-40);

wherein the recording step includes receiving the speech signals via a connecting cable that is connected to a coupler of the telephony device, the connecting cable distinct from the voice grade media connection (see Figures 1 and 3).

Claim 52 is rejected for the same reasons as claim 51.

Claim 53 is rejected for the same reasons as claim 51.

Claim 54 is rejected for the same reasons as claim 51.

Regarding claim 56, see col. 8, lines 25-45 and Figure 2.

Regarding claim 57, see column 3.

Regarding claim 58, see unit 12.

Art Unit: 2645

Regarding claim 60, see columns 3 and 15.

Claim 62 is rejected for the same reasons as claim 56.

Claim 63 is rejected for the same reasons as claim 57.

Regarding claim 64, see unit 12.

Claim 67 is rejected for the same reasons as claim 56.

Claim 68 is rejected for the same reasons as claim 57.

Claim 69 is rejected for the same reasons as claim 58.

Claim 71 is rejected for the same reasons as claim 60.

Claim 73 is rejected for the same reasons as claim 56.

Claim 74 is rejected for the same reasons as claim 57.

Claim 75 is rejected for the same reasons as claim 58.

Claim 77 is rejected for the same reasons as claim 60.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 55, 59, 61, 65, 66, 70, 72 and 76 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ranalli in view of

Art Unit: 2645

Matthews et al, U.S. Patent No. 4,757,525 (hereinafter Matthews).

Regarding claim 55, Ranalli discloses the device is coupled to the telephony device (see Figures 1 and 3). Ranalli fails to teach selectively playing the recorded message based on calling party commands, for review by the calling party prior to the sending step. However Matthews discloses this limitation (see Figure 34). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ranalli with the calling party commands taught by Matthews. This modification provides the user with the versatility to manipulate the contents of the message as suggested by Matthews (column 84).

Claim 59 is rejected for the same reasons as claim 55.

Claim 61 is rejected for the same reasons as claim 55.

Claim 65 is rejected for the same reasons as claim 61.

Claim 66 is rejected for the same reasons as claim 55.

Claim 70 is rejected for the same reasons as claim 61.

Claim 72 is rejected for the same reasons as claim 55.

Claim 76 is rejected for the same reasons as claim 59.

Art Unit: 2645

Allowable Subject Matter

5. Claims 5-10, 13, 18-23, 29-34, 37, 42-47 and 50 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: Ranalli discloses the recording device is a PBX and the telephony device is a telephone. It is impossible to integrate a PBX within a telephone. Hence Ranalli fails to disclose the recording device is integrated within the telephony device.

Response to Arguments

7. Applicant alleges Ranalli provides no disclosure or suggestion whatsoever of connecting the recording device to the telephony device using a connecting cable, coupled to a coupler of the telephony device, that is distinct from the voice-great media connection normally used by the telephony device. However Applicant does not claim connecting the recording device to the telephony device using a connecting cable, coupled to a coupler of the telephony device, that is distinct from the voice-great media connection normally used by the telephony device.

Applicant broadly claims, wherein the recording step includes receiving the speech signals via a connecting cable that is

Art Unit: 2645

connected to a coupler of the telephony device, the connecting cable distinct from the voice-grade media connection. Ranalli teaches the telephony device is a telephone. Hence the cord between the handset and the base is functionally equivalent to the claimed connecting cable (because the handset's cord is coupled to the base of the telephony device and speech signals are received via the handset of the telephony device).

Furthermore, the connection between the telephone and the PBX is functionally equivalent to the claimed voice-grade media connection (because this connection is distinct from the connection between the handset and the base). Therefore Ranalli discloses all the claimed limitations as presently claimed in the pending independent claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

Art Unit: 2645

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 10/057,889

Page 9

Art Unit: 2645

DA

Olisa Anwah

Patent Examiner

January 7, 2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600